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# Poindexter tells Senate he won't talk, invokes Fifth

By Bill Gertz  
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Former National Security Adviser John M. Poindexter refused to answer questions yesterday before a Senate panel investigating the Reagan administration's role in secret arms sales to Iran, his attorney said.

Vice Adm. Poindexter invoked the Fifth Amendment constitutional protection against self-incrimination during an hour of testimony under subpoena before the Senate Intelligence Committee. His attorney, Richard Beckler, said Adm. Poindexter refused to answer questions because he expects to testify before an independent counsel probing possible criminal misconduct by the administration.

"I would be doing a disservice unless I advised my client to invoke his rights under the Fifth Amendment," Mr. Beckler said. "At the present time, I have advised him to do so."

The former national security adviser resigned last week when it was disclosed that proceeds from U.S. arms sales to Iran had been diverted to Nicaraguan resistance forces. President Reagan said he had not been "fully informed" about the clandestine operation that may have violated federal law.

Adm. Poindexter is the second administration official to invoke the Fifth Amendment in response to committee questions at the closed-door investigation.

Marine Lt. Col. Oliver North, who was Adm. Poindexter's deputy at the National Security Council until he was fired last week, invoked the Fifth Amendment Monday in response to scores of questions from the committee. Administration officials said Col. North engineered the diversion of \$10 million to \$30 million in arms sale proceeds to anti-Sandinista rebels.

Congressional sources said covert operations officials from the CIA had been questioned by the committee before Adm. Poindexter.

The Senate investigation, now entering its fourth day, has been marked by alleged unauthorized disclosures to the media and partisan political squabbling over the question of granting immunity to witnesses.

Committee Chairman Dave Durenberger, Minnesota Republican, said he had mixed feelings about Adm. Poindexter's refusal to testify.

"In a legal sense, I don't have any difficulty with it," Mr. Durenberger said. "In a practical sense, I think they're [Adm. Poindexter and Col. North] making a mistake."

Mr. Durenberger said the committee could "fill in the facts around Adm. Poindexter ... by talking to people above the Poindexter level," including members of Mr. Reagan's Cabinet.

Committee Vice Chairman Patrick Leahy, Vermont Democrat, said after yesterday's hearing that he was disappointed by the two officials' lack of cooperation, but promised the investigation would continue.

"We don't have testimony, we don't have cooperation," Mr. Leahy said. "But we will get answers, with or without Adm. Poindexter, with or without Col. North."

Meanwhile, Mr. Durenberger threatened to expel fellow committee member Sen. Ernest Hollings, South Carolina Democrat, from the investigation for publicly discussing details of the investigation. Mr. Hollings denied the charges.

"I'm going to ask him to either decide that he's going to be a member of this committee and participate in these hearings, or get off the committee, because that's a violation of the rules," Mr. Durenberger said.

Mr. Hollings told reporters Mr. Reagan should "come clean with the American people" or risk a series of debilitating inquiries into the affair that could cripple his administration.

He said he believed Mr. Reagan knew about the diversion of funds from Iran arms sales to the Nicaraguan rebels.

"I think they acted with the authority of the president," Mr. Hollings said.

Sen. Daniel Moynihan, New York Democrat, said the question of granting Col. North immunity from

prosecution has been discussed. Granting immunity, he said, "wouldn't impede other investigations."

Sen. William Cohen, Maine Republican, said "it would be very premature" to consider granting immunity to any committee witnesses.

Mr. Hollings said he opposes granting immunity but noted that "we could grant him immunity. If we do, we catch the president."

When he first appeared before the panel on Tuesday, Adm. Poindexter requested additional time to prepare his testimony. He was subpoenaed by the committee on Tuesday to return yesterday, congressional sources said.

"It is important to understand that Adm. Poindexter has been in the Navy for 28 years," Mr. Beckler said. "He serves the president and he wishes to cooperate with every committee that wishes to investigate."